

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11277 of 1998

Between:

- 1 Smt. M Alavelu Mangamma W/o Ram Kumar
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.
- 2 Gantasala Venkateswara S/o Pandavulu
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.
- 3 Amaravathi W/o Nela Baludu
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.
- 4 G Pallaiah S/o Krishna Murthy
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.
- 5 G Venkateswara Rao S/o Pallaiah
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.
- 6 G Pandavulu S/o Subbaiah
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.
- 7 P Nagarathnam W/o Subba Rao
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.
- 8 M Anjaveyulu S/o Venkateswara Rao
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.
- 9 Smt. Kasi Rathnam W/o Subba Rao
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.
- 10 J Laxmana S/o Subba Rao
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.
- 11 G Punavathi S/o Ram Mohan Rao
R/o Kovvada Lanka Village, Mandavalli Mandal, Krishna Dist.

..... PETITIONERS

AND

The District Forest Officer,
Machilipatnam, Krishna District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

pass an Order, Writ or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in preventing the petitioners from converting their lands into fish tanks situated in Survey R.S. Nos. 133/2, 133/3, 133/4, 133/1, 134/2,133/1,133/3, 139/7,139/10, 139/1, 144/E2, 78/1, 78/2, 80/1,80/3 of an extent of Acs. 2.50, 0.91 1.35, 2.60, 1.35, 0.17, 0.36, 0.38, 0.72,1.03, 2.37, 0.10 0.68, 0.04, 0.72 cents respectively totalling Acs. 15.35 cents situated in Kovvadalanka Village, Mandavalli Mandal, Krishna District is illegal, arbitrary, erroneous and unconstitutional and consequently direct the respondent not to interfere with conversion of lands by the petitioners into fish tanks in survey R.S.Nos. 133/2, 133/3, 133/4, 133/1, 134/2,133/1,133/3, 139/7,139/10, 139/1, 144/E2, 78/1, 78/2, 80/1,80/3 of an extent of Acs. 2.50, 0.91 1.35, 2.60, 1.35, 0.17, 0.36, 0.38, 0.72,1.03, 2.37, 0.10 0.68, 0.04, 0.72 cents respectively totalling Acs. 15.35 cents situated in Kovvadalanka Village, Mandavalli Mandal, Krishna District.

Counsel for the Petitioners: MR.Y.V.RAVI PRASAD

Counsel for the Respondent: GP FOR FORESTS

The Court made the following :

ORDER:

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Heard the learned counsel for the petitioners and the learned Government Pleader for Forests.

The petitioners invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India with a prayer to issue a writ of mandamus declaring the action of the respondent in preventing the petitioners from converting their lands i.e. a total extent of Ac.15-35 cents situated in Survey Nos.133/1 to 133/4, 134/2, 139/7, 139/10, 139/1, 144/E2, 78/1, 78/2m 80/1 and 80/3 of Kovvadalanka' village, Mandavalli Mandal of Krishna District, into fish tanks, as illegal and arbitrary. Petitioners accordingly prayed for a consequential direction to the respondents not to interfere with the said conversion.

A Division Bench of this Court in **Dr. T. Patanjali Sastry v. Chairman, Andhra Pradesh Pollution Control Board** held as follows:

“...From the above, it is evident that the right of the local fishermen to do fishing by traditional method by using ordinary boats without using motorboats is not taken away, but aquaculture in the form of any tank has been prohibited...

...The reports of the PCB clearly show that fish tanks dug for the purpose of prawn culture, aquaculture etc., are polluting the lake and also the drinking water sources. If large-scale conversion of agricultural lands into fish tanks is not prohibited, it will have an impact on the future generations. It is also the fundamental duty of every citizen under Article 51-A(g) of the Constitution to protect and improve the lakes of such national importance for preservation to future generations.....”

Having regard to the above observations of the Division Bench of this Court, the relief sought for by the petitioners for conversion of their lands to an extent of Ac.15-35 cents into fish tanks, cannot be granted.

Accordingly, the writ petition is dismissed. No costs.

N.V. RAMANA, J

Date: 11-03-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Forest Officer, Machilipatnam, Krishna District.

2. Two CCs. to the Government Pleader for Forests, High Court Buildings, A.P., Hyderabad (OUT).

3 Two CD copies

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